

ESTTA Tracking number: **ESTTA617340**

Filing date: **07/23/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Saucony, Inc.
Granted to Date of previous extension	07/23/2014
Address	191 Spring Street Lexington, MA 02421 UNITED STATES
Correspondence information	Julia K. Sutherland Seyfarth Shaw LLP 131 South Dearborn St., Suite 2400 Chicago, IL 60603-5577 UNITED STATES jsutherland@seyfarth.com, TMAtlanta@seyfarth.com Phone:312-460-5577

Applicant Information

Application No	86106091	Publication date	03/25/2014
Opposition Filing Date	07/23/2014	Opposition Period Ends	07/23/2014
Applicant	MMI-IPCO, LLC P.O. Box 809 Lawrence, MA 01842 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Textile fabric piece goods sold as a component of clothing, namely, coats, jackets, parkas, raincoats, pullovers, shirts, sports jerseys, trousers, pants, dresses, skirts, pajamas, underclothing, scarves, shawls, gloves, mittens, headwear, namely, hats, caps, headbands, and visors, socks, tights, stockings, and hosiery


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3739786	Application Date	06/18/2009
Registration Date	01/19/2010	Foreign Priority Date	NONE
Word Mark	GRID		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1996/05/00 First Use In Commerce: 1996/05/00 Footwear

U.S. Registration No.	3382995	Application Date	10/25/2005
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	GRID EXCURSION TR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/06/00 First Use In Commerce: 2006/06/00 footwear		

U.S. Registration No.	3234634	Application Date	01/27/2005
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	GRID PROPEL		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2004/12/00 First Use In Commerce: 2004/12/00 Footwear

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	POWERGRID		
Goods/Services	footwear		

Attachments	77763033#TMSN.png(bytes) 78739994#TMSN.png(bytes) 78555137#TMSN.png(bytes) Notice of Opposition - POWER GRID.pdf(13186 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Julia K. Sutherland/
Name	Julia K. Sutherland
Date	07/23/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 86/106,091
Published in the Official Gazette of March 25, 2014

SAUCONY, INC.,

Opposer,

v.

MMI-IPCO, LLC,

Applicant.

Opposition No.: _____

NOTICE OF OPPOSITION

Opposer Saucony, Inc. (“Opposer”) believes that it will be damaged by registration of the mark shown in Application Serial No. 86/106,091 and hereby opposes the same. As grounds for opposition, Opposer alleges as follows:

1. Opposer is a corporation organized and existing under the laws of Massachusetts, with a principal place of business at 191 Spring Street, Lexington, Massachusetts 02421.
2. Upon information and belief, applicant MMI-IPCO, LLC (“Applicant”) is limited liability company organized and existing under the laws of Delaware, with a principal place of business at P.O. Box 809, 46 Stafford Street, Lawrence, Massachusetts 01842.
3. From a time long prior to the filing date of the Application at issue, and continuously to the present, Opposer and/or its predecessor-in-interest have used the marks “POWERGRID”, “GRID”, “GRID EXCURSION TR” and “GRID PROPEL” in the United States in connection with footwear (collectively the “GRID Marks”). Opposer’s family of GRID Marks are strong and distinctive in the United States.

4. In addition to its common law rights, Opposer owns the following United States trademark registrations for some of its GRID Marks

Reg. No.	Mark	Goods/Services
3,739,786	GRID	Footwear
3,382,995	GRID EXCURSION TR	Footwear
3,234,634	GRID PROPEL	Footwear

All of these registrations are valid and subsisting, and all have become incontestable. Copies of current printouts of information from the electronic database records of the USPTO showing the current status and title of these registrations are attached hereto as Exhibit 1 and are incorporated by reference herein as if set forth in full.

5. Notwithstanding Opposer's prior rights in the GRID Marks, Applicant filed Application Serial No. 86/106,091 in the United States Patent and Trademark Office to register the claimed mark "POWER GRID" on the Principal Register for goods identified as "Textile fabric piece goods sold as a component of clothing, namely, coats, jackets, parkas, raincoats, pullovers, shirts, sports jerseys, trousers, pants, dresses, skirts, pajamas, underclothing, scarves, shawls, gloves, mittens, headwear, namely, hats, caps, headbands, and visors, socks, tights, stockings, and hosiery" on the basis of intent-to-use the mark in commerce in connection with those goods ("Opposed Application").

6. Applicant's use of the claimed mark "POWER GRID" in connection with the goods identified in the Opposed Application is likely to cause consumers to believe mistakenly that those goods are produced, sponsored, licensed, or authorized by, or are otherwise affiliated with, Opposer, the owner of the GRID Marks for footwear.

FIRST CLAIM FOR RELIEF
(Likelihood of Confusion With Registered Trademarks)

7. Opposer repeats and re-alleges the allegations in preceding paragraphs 1-6 as if fully set forth herein.

8. The mark shown in the Opposed Application so resembles Opposer's family of registered GRID, GRID EXCURSION and GRID PROPEL marks as to be likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

9. Opposer will be damaged by registration of the mark shown in the Opposed Application because such registration will give Applicant *prima facie* evidence of ownership of and the exclusive right to use a mark that is confusingly similar to Opposer's family of registered GRID, GRID EXCURSION and GRID PROPEL marks, in derogation of Opposer's rights in its family registered GRID, GRID EXCURSION and GRID PROPEL marks.

SECOND CLAIM FOR RELIEF
(Likelihood of Confusion with Previously-Used Trademarks)

10. Opposer repeats and re-alleges the allegations in preceding paragraphs 1-9 as if fully set forth herein.

11. The mark shown in the Opposed Application so resembles the GRID Marks previously used by Opposer and/or its predecessor-in-interest in the United States, and not abandoned, as to be likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).

12. Opposer is or may be damaged by registration of the mark shown in the Opposed Application because such registration will give Applicant *prima facie* evidence of ownership of

and the exclusive right to use a mark that is confusingly similar to Opposer's previously-used and not-abandoned GRID Marks, in derogation of Opposer's rights in its GRID Marks.

WHEREFORE, Opposer prays for judgment sustaining this opposition and refusing registration of the mark shown in the Opposed Application.

Please charge the filing fees for this opposition to Deposit Account No. 19-1351 and direct all correspondence and communication in this opposition to the undersigned.

Respectfully submitted,

SEYFARTH SHAW LLP

Dated: July 23, 2014

By: Julia K. Sutherland/

Julia K. Sutherland
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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2014, I served this Notice of Opposition on the Applicant by mailing a copy thereof by First Class Mail, postage prepaid, addressed to Applicant's correspondence address of record as follows:

Phi Lan Tinsley
K&L Gates LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111-2901

/Patricia Devine/

Patricia Devine